

MAR 09 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TEVIS R. IGNACIO,

Plaintiff - Appellant,

v.

UNITED STATES GOVERNMENT; et  
al.,

Defendants - Appellees.

No. 08-17282

D.C. No. 3:08-cv-00194-BES-  
VPC

MEMORANDUM \*

Appeal from the United States District Court  
for the District of Nevada  
Brian E. Sandoval, District Judge, Presiding

Submitted February 23, 2009 \*\*

Before: RYMER, HAWKINS and CLIFTON, Circuit Judges.

The motion to proceed in forma pauperis is granted. The Clerk shall amend  
the docket to reflect this status.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. See Fed. R. App. P. 34(a)(2).

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The district court correctly determined that appellant's complaint failed to state a claim upon which relief may be granted. *See, e.g., Cleghorn v. Blue Shield of Cal.*, 408 F.3d 1222, 1225 (9th Cir. 2005) (court of appeals reviews district court's decision to dismiss a complaint for failure to state a claim de novo).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

**AFFIRMED.**